




City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Hansberger, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: September 23, 2003

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Rolland M. Crawford 

SUBJECT: Council Bill #O-2003-5 – Amending the Loma Linda Municipal Code Relating to Parking Regulations

RECOMMENDATION

That the City Council: 1) Introduce the ordinance contained in Council Bill #O-2003-5 for First Reading; 2) set a date for Second Reading and adoption.

BACKGROUND

The City Council introduced the ordinance on July 22 with First Reading. Questions were raised concerning the parking of commercial vehicles on private property and the length specified for utility trailers.

The proposed ordinance was modified with the deletion of length specifications for utility trailers, and presented again to the City Council for Second Reading on August 26. Following discussion, the Council directed Staff to further revise the proposed ordinance so as to pertain only to commercial vehicles and not to recreational vehicles.

The proposed ordinance has now been modified with the deletion of the reference in paragraph B to California Vehicle Code section 242 (definition of “camp trailer”), section 635 (definition of “trailer coach”), section 666 (a definition of utility trailer that was repealed by statute); the deletion of “Recreational or” as applied to trailers in the last sentence of paragraph B; and inclusion of defining language pertaining to utility trailers, again in the last sentence of paragraph B.

ANALYSIS

The City Attorney has determined that the modifications listed above are substantive enough to require reintroduction of the proposed ordinance on First Reading. This provides the Council the opportunity to comment on the changes, and for the Council to provide further direction to Staff, if desired.

If the City Council is comfortable with the modifications that have been made to the proposed ordinance, it can move forward into Second Reading and adoption at a future meeting as set by Council.

ENVIRONMENTAL

Not applicable.

FINANCIAL IMPACT

Not applicable.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA
AMENDING CHAPTER 10.36 OF THE MUNICIPAL CODE.

The City Council of the City of Loma Linda does hereby ordain as follows:

SECTION 1. Section 10.36.020 of Chapter 10.36 of Title 10 of the Loma Linda

Municipal Code is hereby amended in its entirety to read as follows:

10.36.020 Storage of Vehicles.

A. Storage of Commercial Vehicles Within Residential Zones. No person who owns or has possession, custody or control of any commercial vehicle or truck, as defined in Section 260 of the California Vehicle Code, having a gross vehicle weight in excess of ten thousand pounds shall park such vehicle or leave such vehicle standing upon any street, alley or public roadway, or upon any public or private property, within any residential zone, for the purpose of storage of such vehicle. If such vehicle is parked or left standing on a street, alley or other public roadway, or upon any public or private property, for a consecutive period of time in excess of four hours, it shall be presumed to be parked for the purpose of storage; except for:

1. Any vehicle making pickups or deliveries of goods, wares or merchandise from or to any building or structure located on a restricted highway, street, road or alley, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon restricted streets or highways for which a building permit has previously been obtained, or parking for the purpose of lodging at a motel or hotel;
2. Any vehicle parked in connection with and in the aid of the performance of a service to or on a property in the block in which such vehicle is parked;
3. Any school or passenger bus under the jurisdiction of the Public Utilities Commission;
4. Any vehicle owned by the city, county, state, public utility or licensed contractor engaged in the installation, maintenance or repair of any public property, utility or highway;
5. Any authorized emergency vehicle as defined by the California Vehicle Code.

For purposes of this subsection, each consecutive four-hour period shall be considered a separate violation.

- B. Storage of Unattached Trailers. No person who owns or has possession, custody or control of any trailer/semi-trailer as defined in Sections 550, 630, 636 of the California Vehicle Code, shall park or leave such trailer standing upon any street, alley or public roadway within any zone for the purpose of storage. If any trailer is parked or left standing on a street, alley or other public roadway, unattached to a tow vehicle, it shall be presumed to be parked for the purpose of storage. Utility trailers, used solely for the transportation of the user's personal property and that do not exceed a gross weight of 10,000 lbs, may be parked either attached or unattached for the purpose of loading or unloading for periods up to twenty-four hours.
- C. Use of Street for Storage of Vehicles. It is unlawful for any person who owns or has possession, custody or control of any vehicle, as defined in Section 670 of the California Vehicle Code, to park or leave standing such vehicle upon any street or alley for seventy-two or more consecutive hours. If such vehicle is parked or left standing on a street, alley or other public roadway for a consecutive period of time in excess of seventy-two hours, it shall be presumed to be parked for the purposes of storage; except for:
 - 1. Any commercial vehicle which is lawfully parked on a public highway or street designated for commercial vehicle parking.
- D. The city or its authorized representative is authorized to remove from streets or highways or from public property, within the city, to the nearest garage or other place of safety, any vehicle which has been parked or left standing on such street or highway for seventy-two or more consecutive hours, or any commercial vehicle as specified above which has been parked or left standing on such street or highway for twenty-four or more consecutive hours, or any vehicle which is parked on public property or on a street or highway in violation of State or local law, or resolution establishing a Tow-A-Way zone, provided, in the latter instance, that signs are posted giving notice of the removal.
- E. Whenever a city official removes a vehicle from a street or highway or public property as authorized in this section and the city official knows or is able to ascertain from the registration records in the vehicle or from the registration records of the California Department of Motor Vehicles the name and address of the registered or legal owners thereof, such city official shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the grounds thereof and of the place to which such vehicle has been moved,. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- F. Whenever a city official removing a vehicle from a street or highway or public property under this section does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of seventy-two hours, then and in that event the city official shall immediately send or cause to be sent written report of such removal by mail to the Department of Motor Vehicles at Sacramento and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such report shall be made on a form furnished by such department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for such removal and name of the garage or place where the vehicle is stored.

SECTION 2. Penalties. If any person shall violate any of the provisions of this Ordinance, or fail to comply with any of the mandatory requirements of this Ordinance, he shall be guilty of an infraction. Any person convicted of an infraction under the provisions of a City Ordinance shall be punishable by (1) a fine of not more than one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same Ordinance within one year and (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same Ordinance within one year. Each such person shall be deemed guilty of a separate offense for every day during such portion of which any violation of this Ordinance is committed, continued or permitted by such person, and shall be punishable therefore as provided by this Ordinance.

SECTION 3. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. Posting. Prior to the expiration of fifteen (15) days from its passage, the City Clerk shall cause this Ordinance to be posted pursuant to law in three (3) public places designated for such purpose by the City Council.

This Ordinance was introduced at the regular meeting of the City Council of the City of Loma Linda, California, held on the _____ day of _____ and was adopted on the _____ day of _____ by the following vote to wit:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

Floyd Petersen, Mayor

Attest:

Pamela Byrnes-O'Camb, City Clerk